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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,597	11/13/2003	Peter Wung	1023-232US01	9010
28863	7590	09/14/2006	EXAMINER	
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			MANUEL, GEORGE C	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/712,597	WUNG, PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	George Manuel	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 11-16, 18-19, and 31-35 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brooks et al. (US 6,520,912 B1, hereinafter "Brooks").

Referring to claims 1 and 11-19, Brooks is considered to disclose: at least one sensor to measure one or more patient parameters (see col. 2, ln.35-40 and col. 7, ln. 19-45, Brooks). The disclosed processor and image modalities are considered to anticipate the claimed sensor because both configurations measure and analyze patient parameters in order to constantly monitor the condition of the patient; a first display monitor to display at least a first subset of the patient parameters to an operator (see col. 2, ln. 30-40, Brooks). The disclosed display device 110 is considered to anticipate the claimed first display monitor because both help an operator to constantly monitor the condition of the patient; a second display monitor to display at least a second subset of the patient parameters to the operator, wherein the first and the second display monitors face in different directions (see col. 5, ln. 40 - col. 6, ln. 10, Brooks). The disclosed second display device 115 is considered to anticipate the claimed second

Art Unit: 3762

display monitor because both can be positioned in a different direction from the first display device, thereby facilitating the presentation of the medical parameters to the operator/doctor.

With reference to claims 22 and 31-35, Brooks is considered to disclose: measuring one or more patient parameters (see col. 2, ln. 35-40 and col. 7, ln. 19-45, Brooks). The disclosed method of using a processor and image modalities is considered to anticipate the claimed method of using a sensor because both methods measure and analyze patient parameters in order to constantly monitor the condition of the patient; displaying a first subset of the measured patient parameters to an operator via a first display monitor of an emergency medical device (see col. 2, ln. 30-40, Brooks).

The disclosed method of displaying medical information on a first display device 110 is considered to anticipate the claimed method of display using a first display monitor because both help an operator to constantly monitor the condition of the patient. The device of Brooks may be used as an emergency medical device because it is a system for displaying medical data at an automatically selected display resolution and position in instances where the operator may not have the time to conduct adjustments; displaying a second subset of the measured patient parameters to the operator via a second display monitor of the emergency medical device, wherein the first and the second display monitors face in different directions (see col. 5, ln. 40 - col. 6, ln. 10, Brooks). The disclosed method of using a second display device 115 is considered to anticipate the claimed method of displaying patient parameters on a second display monitor because both methods use displays positioned in different directions from the each other, thereby facilitating the presentation of the medical parameters to the operator/doctor.

Regarding Applicant's arguments, filed 5/24/06, the report 600 is displayed as an emergency medical device by displaying a patient's risk for heart disease (see FIG. 6). Further, the system does include a plurality of sensors to measure a plurality of patient parameters. Col. 7, lines 19-48 teach the medical data can be generated by radiography or echocardiography, for example. Medical data comprises measurements. See col. 2, lines 29-35. Figure 6 also shows two patient parameters comprising aortic valve and ventricle diameters.

Regarding claims 14 and 34, the examiner is interpreting the "Diagnosis" displayed in Figure 6 to comprise emergency medical device status.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 17, 23, 24, and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks in view of Winkler (US 5,345,362, hereinafter "Winkler").

Brooks is considered to disclose the claimed invention as discussed above except for the claimed perpendicular configuration of the first and second display monitors. However, Winkler discloses a display screen, which can be readily adjusted into a plurality of viewing angles including a perpendicular configuration (see col. 3, ln. 62-68, fig. 8, Winkler). Further, Winkler teaches a display screen that is movable from a closed position in which it is substantially parallel with an upper surface of the

apparatus, to any plurality of open positions wherein the display can be viewed by the operator (see abstract, Winkler). It would have been obvious to one of ordinary skill in the art to combine the teachings of Brooks with the perpendicular and parallel configurations of Winkler for the purpose of plane arrangement so that the first and second planes corresponding to the major surfaces of display monitor 22A and 22B may be substantially perpendicular to one another. Winkler's teachings are relevant to the requirements of the claims because the teachings apply to positioning display monitors, and the monitors disclosed in Brookes et al, for example 110 and 115 are capable of being arranged in planes substantially perpendicular to one another for multiple viewers in different positions.

Referring to claims 17 and 38, Brooks is considered to disclose the claimed invention as discussed above except for the claimed display that is a component of a portable or laptop computer or device. However, Winkler discloses a portable computer apparatus, which has a dual-pivot articulating display screen, which can be readily adjusted into a plurality of angles and easily transported (see col. 3, ln. 62-68, Winkler). It would have been obvious to one of ordinary skill in the art to combine the teachings of Brooks with the laptop computer or portable electronic device of Winkler for the purpose of electronic information mobility.

Dependent claims 4-9 and 25-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brooks et al in view of Daynes (U.S. Patent No. 6,754,526 B2, hereinafter "Daynes").

Brooks is considered to disclose the claimed invention as discussed above, under the anticipatory rejection, except for the claimed housing and cover configuration. However, Daynes discloses a defibrillator including a door or cover which conceals manual user commands, such that upon initiating a motion associated with the door,

such as activation of a latch or opening of the door, the defibrillator is put into the manual mode, while revealing the manual commands (see col. 2, ln. 60-67, Daynes). It would have been obvious to one of ordinary skill in the art to combine the teachings of Brooks with the cover configuration of Daynes for the purpose of integrating a cover with multiple display monitors. Regarding Applicant's argument, filed 5/24/06, the display of Daynes being attached to the housing also contains the monitor within the cover when the cover is closed.

Dependent claims 10, 20-21, 30, and 36-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brooks in view of Kirchgeorg (U.S. Patent No. 6,327,497, hereinafter "Kirchgeorg").

Referring to claims 10 and 30, Brooks is considered to disclose the claimed invention as discussed above except for the claimed handle adjacent to the first and second display monitors. However, Kirchgeorg discloses a handle for carrying the unit to a victim or patient allowing the user to look only at the face of the unit to view the various displays for the different systems (see col. 2, ln. 46-52, Kirchgeorg). It would have been obvious to one of ordinary skill in the art to combine the teachings of Brooks with the handle on the top part of the medical device as disclosed in Kirchgeorg for the purpose of transporting the device. Referring to claims 20-21 and 36-37, Brooks is considered to disclose the claimed invention as discussed above except for the external defibrillator and diagnostic emergency medical device. However, Kirchgeorg discloses an emergency oxygen unit and oximetry system combined with an automatic external defibrillator (see col. 3, ln. 16-23, Kirchgeorg). It would have been obvious to one of ordinary skill in the art to combine the teachings of Brooks with the external defibrillator and diagnostic device as disclosed in Kirchgeorg for the purpose of transporting the device.

Art Unit: 3762

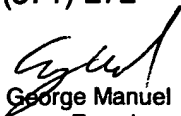
Regarding Applicant's remarks, filed 5/24/06, one of ordinary skill in the art would be motivated to combine the teachings of Kirchgeorg with Brooks because the teachings of Kirchgeorg are directed to the portability of computer implemented medical devices similar to the computer implementation provided by Brooks station 200.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.

  
George Manuel  
Primary Examiner  
Art Unit: 3762